

Nicholas P. Roxborough, Esq. (Bar No. 113540)
Michael L. Phillips, Esq. (Bar No. 232978)
ROXBOROUGH, POMERANCE & NYE LLP
5820 Canoga Ave., Suite 250

Woodland Hills, California 91367
Telephone: (818) 992-9999
Facsimile: (818) 992-9991
E-Mail: npr@rpnlaw.com
mlp@rpnlaw.com

Attorneys for Plaintiffs/Counter-Defendants, LARGO CONCRETE,
INC. and N.M.N. CONSTRUCTION, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARGO CONCRETE, INC., a California
Corporation; N.M.N. CONSTRUCTION, INC., a
California Corporation.

Plaintiffs,

v.

LIBERTY MUTUAL FIRE INSURANCE
COMPANY, a Massachusetts Corporation, and
DOES 1 through 100, inclusive.

Defendants.

AND RELATED COUNTERCLAIM

Case No. C07-04651 CRB (ADR)
The Hon. Charles R. Breyer

**OBJECTIONS TO NOTICE OF FILING
AND SERVICE OF EXHIBITS B AND F
TO FARKAS DECLARATION**

Date: December 21, 2007
Time: 10:00 a.m.
Ctmm: 8

Complaint filed: September 10, 2007

Plaintiffs/Counter-Defendants, LARGO CONCRETE, INC. and N.M.N. CONSTRUCTION,
INC. (hereinafter "Largo") hereby submit the following Objections to the Notice of Filing and Service
of Exhibits B and F to Farkas Declaration by LIBERTY MUTUAL FIRE INSURANCE COMPANY
(hereinafter "LMF").

Largo objects under Local Rule 7-3(d) to LMF's attempt to untimely submit additional
evidence in support of their motion to disqualify Roxborough, Pomerance & Nye in this matter. Any

1 evidence attached to LMF's Notice of Filing and Service of Exhibits B and F to Farkas Declaration
2 should have been presented in conjunction with LMF's moving papers. LMF should not be permitted
3 to wait until less than 48 hours before the hearing on this matter to present substantial and additional
4 alleged evidence, thereby precluding Largo from reviewing or contesting such evidence.

5 Furthermore, any evidence submitted in connection with LMF's Notice of Filing and Service
6 of Exhibits B and F to Farkas Declaration is inadmissible under Rule 602 of the Federal Rules of
7 Evidence because there is no foundation to support such evidence. Other than a reference to the
8 Declaration of Greg Farkas, there is no description by Mr. Lindquist of the evidence attached to
9 LMF's Notice of Filing and Service of Exhibits B and F to Farkas Declaration, nor are there any
10 assertions made regarding the authenticity of the evidence attached thereto.

11 For the foregoing reasons, any evidence submitted in conjunction with LMF's Notice of Filing
12 and Service of Exhibits B and F to Farkas Declaration is inadmissible and should not be considered by
13 this court in ruling on LMF's pending motion.
14

15 DATED: December 20, 2007

ROXBOROUGH, POMERANCE & NYE LLP

16
17 By: 

NICHOLAS P. ROXBOROUGH, ESQ.

MICHAEL L. PHILLIPS, ESQ.

Attorneys for Plaintiffs/Counter-Defendants,
LARGO CONCRETE, INC. and N.M.N.
CONSTRUCTION, Inc.
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

ss

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 5820 Canoga Avenue, Suite 250, Woodland Hills, California 91367.

On **December 20, 2007**, I served the foregoing documents described as:

OBJECTIONS TO NOTICE OF FILING AND SERVICE OF EXHIBITS B AND F TO FARKAS DECLARATION

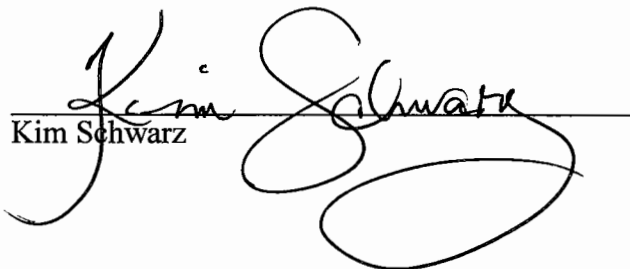
on the interested party(ies) in this action listed below:

Frank Falzetta, Esq.
Scott Sveslosky, Esq.
**SHEPPARD MULLIN RICHTER &
HAMPTON LLP**
333 South Hope Street, 48th Floor
Los Angeles, CA 90071-1448
Tel: (213) 620-1780 | Fax: (213) 620-1398
Email: ffalzetta@sheppardmullin.com
ssveslosky@sheppardmullin.com

ATTORNEYS FOR DEFENDANT
**LIBERTY MUTUAL FIRE INSURANCE
COMPANY**

- ☒ **BY ELECTRONIC MAIL:** I caused such documents listed above to be transmitted via e-mail to each of the parties on the attached service list at the e-mail address as last given by that person on any document which he or she has filed in this action and served upon this office.
- ☐ **BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the offices of the each addressee(s).
- ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **December 20, 2007**, at Woodland Hills, California.


Kim Schwarz